



U.S. Department of Justice

Civil Rights Division

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*Voting Section - Rm. 7254 - NWB.  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530*

August 26, 2005

The Honorable Sam Reed  
Secretary of State  
P.O. Box 40220  
Olympia, Washington 98504-0220

Dear Secretary Reed:

We write to you as the chief elections official for the State of Washington to request information concerning the State's compliance with certain requirements of the federal Help America Vote Act of 2002 ("HAVA").

Section 301 of HAVA, 42 U.S.C. 15481, sets forth voting systems standards for all states for each voting system used in an election for Federal office. Among other things, Section 301 requires that voting systems provide a mechanism for a voter to verify and, where necessary, correct his or her ballot, notify a voter of an overvote, produce a permanent paper record with a manual audit capacity, and provide for accessibility for voters with disabilities or with alternative language needs. Section 301 will become effective on January 1, 2006.

Section 303(a) of HAVA, 42 U.S.C. 15483(a), requires all states except a state which does not maintain voter registration for elections for federal office to implement a single, uniform, official, centralized, interactive computerized statewide voter registration list. This list must be defined, maintained and administered at the state level, must contain the name and registration information of every legally registered voter in the state, must have a unique identifier for each voter, must be coordinated with other state databases, must meet list maintenance, technological security and accuracy requirements, must meet verification requirements for all new registered voters (for all states that do not collect full social security numbers), and must have the ability to track whether first time registrants by mail have complied with or are exempt from identification requirements under Section 303(b) of HAVA (for all states with mail registration). Section 303(a) will become effective in your state on January 1, 2006, since your state applied to the U.S. Election Assistance Commission for a waiver of compliance.

Under Section 401 of HAVA, 42 U.S.C. 15511, federal enforcement authority for Title III of HAVA, including the above-cited requirements, resides in the Department of Justice. Pursuant to that authority, the Department is requesting information from each state in an effort to monitor progress in meeting HAVA's mandates. To that end, we would appreciate your providing to us the following information regarding Washington's efforts to comply with Sections 301 and 303(a) of HAVA:

#### **Section 301 - Voting Systems Standards**

Please provide detailed information concerning whether the State will ensure that all of its jurisdictions which conduct federal elections will have in place on January 1, 2006, a voting system(s) for use in the next election for Federal office which meets the standards set out in Section 301. In responding to this request, please include at least the following: 1) the date of the State's first election for Federal office in 2006, including any primary election; 2) whether there is (or will be) a voting system(s) meeting Section 301's standards certified for use and actually in use throughout the State on January 1, 2006, or at some stated date thereafter; 3) whether the choice of such voting system(s) is made by the State or each local jurisdiction; 4) identification of such system(s) (by jurisdiction, if appropriate) and date available for use; and, 5) if different than the system(s) already identified, identification of accessible voting system(s) (by jurisdiction, if appropriate) meeting the disability requirements of Section 301(a)(3) and date available for use.

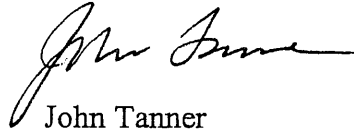
#### **Section 303(a) - Computerized Statewide Voter Registration List**

Please provide detailed information concerning the current status of the State's efforts to implement a HAVA-compliant statewide voter registration list, including the following: 1) whether such a database is currently in operation and, if not, the anticipated date of operation; 2) whether development of the system is being carried out by the state or a contractor or some combination thereof (please identify the contractor where appropriate); 3) the timeline for development and implementation of the database; and 4) appropriate documentation describing the development, design and operation of the database.

We note that several states have placed documentation on their public websites, such as requests for proposals, contracts with vendors and detailed system manuals, for their voting systems and/or voter registration databases. Where your state has done this, please provide a link to this information. Where the state has not publicly posted this information, we would appreciate your including such documentation with your response.

We ask that you provide us the information requested above no later than two weeks from the date of this letter. Please send your written response to the following address: Voting Section, Civil Rights Division, Room 7254 - NWB, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530. If you have any questions regarding our request, please contact either Chris Herren (202-514-1416) or Brian Heffernan (202-514-4755), of the Civil Rights Division's Voting Section. We very much appreciate your cooperation in our efforts to monitor the progress nationwide of HAVA compliance.

Sincerely,

A handwritten signature in black ink, appearing to read "John Tanner", with a stylized, flowing script.

John Tanner  
Chief, Voting Section

cc: Nick Handy, Director Elections Division